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12 P.C. RICHARD & SON LONG ISLAND CORPORATION,  
13 MARTA COOPERATIVE OF AMERICA, INC., and  
14 ABC APPLIANCE, INC.

15  
16 **UNITED STATES DISTRICT COURT**  
17 **NORTHERN DISTRICT OF CALIFORNIA**  
18 **SAN FRANCISCO DIVISION**  
19

16 In re: TFT-LCD (FLAT PANEL)  
17 ANTITRUST LITIGATION

18 This Document Relates To Individual Case No.  
19 3:11-cv-04119-SI (N.D. Cal.)

19 P.C. RICHARD & SON LONG ISLAND  
20 CORPORATION;  
21 MARTA COOPERATIVE OF AMERICA,  
22 INC; and  
23 ABC APPLIANCE, INC.,

24 Plaintiffs,

25 vs.

26 AU OPTRONICS CORPORATION, et al.,

27 Defendants.  
28

Case No. 3:11-cv-04119-SI (N.D. Cal.)

Master File No. 3:07-md-01827-SI (N.D. Cal.)

MDL No. 1827

**STIPULATION AND [PROPOSED]  
ORDER WITHDRAWING JOINT  
MOTION TO DISMISS, NEC'S MOTION  
TO DISMISS, SANYO'S MOTION TO  
DISMISS, AND EXTENDING TIME TO  
RESPOND TO AMENDED COMPLAINT**

1 Plaintiffs, P.C. Richard & Son Long Island Corporation, MARTA Cooperative of America,  
2 Inc., and ABC Appliance, Inc. ("Plaintiffs"), and Defendants, through the undersigned counsel,  
3 request that the Court enter the following order to withdraw (1) Defendants' Joint Motion to  
4 Dismiss Plaintiffs' complaint, (2) Defendants NEC Corporation, NEC Corporation of America,  
5 NEC Display Solutions of America, Inc., NEC Electronics America, Inc., and NEC LCD  
6 Technologies, Ltd.'s ("NEC") Motion to Dismiss Plaintiffs' complaint, and (3) Defendant Sanyo  
7 Consumer Electronics, Co., Ltd.'s ("Sanyo CE") Motion to Dismiss, and extend Defendants' time  
8 to respond to the amended complaint that Plaintiffs will file on or before November 1, 2011.

9 WHEREAS, on October 4, 2011, Plaintiffs and Defendant Mitsui & Co. (Taiwan), Ltd.  
10 ("Mitsui Taiwan") entered into a stipulation giving Mitsui Taiwan until December 1, 2011 to  
11 answer, move, or otherwise respond to Plaintiffs' complaint.

12 WHEREAS, on October 6, 2011, certain Defendants filed a joint motion to dismiss  
13 Plaintiffs' complaint in this action (MDL Dkt. No. 3848), and Defendants NEC and Sanyo CE  
14 filed separate motions to dismiss Plaintiffs' complaint (MDL Dkt. Nos. 3851 and 3854,  
15 respectively) (the "Motions");

16 WHEREAS the hearing on the Motions is scheduled for November 18, 2011;

17 WHEREAS Plaintiffs, although they oppose the Motions, will exercise their right under  
18 Federal Rule of Civil Procedure 15(a) to file a First Amended Complaint in lieu of filing an  
19 opposition to the Motions;

20 WHEREAS the parties agree that the briefing dates and hearing associated with the  
21 Motions should be withdrawn and that Plaintiffs will file their First Amended Complaint after the  
22 existing deadline to file their oppositions to the Motions;

23 WHEREAS the parties further agree that Plaintiffs may have until November 1, 2011 to  
24 file a First Amended Complaint and all Defendants may have until December 5, 2011 to respond  
25 to the First Amended Complaint, that Plaintiffs may have until December 23, 2011 to oppose or  
26 otherwise respond to Defendants' response, and that Defendants may have until January 9, 2012 to  
27 reply to such opposition;  
28

1 WHEREAS the parties further agree that the hearing on any responses made by Defendants  
2 may be noticed for January 20, 2012;

3 WHEREAS the parties further agree that, in the alternative, the Defendants may have 60  
4 days from the date the First Amended Complaint is filed to answer said complaint;

5 THEREFORE, Plaintiffs, by their counsel, and Defendants, by the undersigned counsel,  
6 stipulate and agree as follows:

- 7 1. The Motions shall be withdrawn and the briefing schedule and hearing date  
8 stricken.
- 9 2. Plaintiffs shall file a First Amended Complaint on or before November 1, 2011.
- 10 3. All Defendants shall respond to the First Amended Complaint by December 5,  
11 2011.
- 12 4. Plaintiffs shall oppose or otherwise respond to Defendants' filings by December 23,  
13 2011.
- 14 5. Defendants shall submit any replies by January 9, 2012.
- 15 6. The hearing on any responses made by Defendants shall be noticed for January 20,  
16 2012.
- 17 7. In the alternative, all Defendants shall have 60 days from the date the First  
18 Amended Complaint is filed to answer said Complaint.

19 **IT IS SO STIPULATED.**

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1 DATED: October 20, 2011

/s/ William A. Isaacson

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1 Pursuant to General Order 45, Part X-B, the filer attests that concurrence in the filing of  
2 this document has been obtained from stipulating defendants.

3 **IT IS SO ORDERED.**

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5 Dated: 10/24, 2011

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8 Susan Illston, United States District Judge